

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD¹
REGION 32

DANA CORPORATION
Employer

and

Case 32-RC-5252

SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION,
LOCAL NO. 162, AFL-CIO
Petitioner

**SUPPLEMENTAL DECISION
AND NOTICE OF HEARING**

Acting pursuant to Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, the undersigned has caused an investigation of the Petitioner's objections to be conducted and orders that a hearing on Objections Nos. 1 and 3 be held.

The Election

The Petition in this matter was filed on May 3, 2004.² Pursuant to a Decision and Direction of Election that issued on May 27, an election by secret ballot was conducted on June 30, in the following unit:

All full-time and regular part-time production specialists, production technicians, electrocoat technicians, quality control technicians, quality control specialists, maintenance technicians, material handlers, including forklift operators, temp-for-hire production technicians, and temp-for-hire maintenance technicians, employed by the Employer at its Stockton, California facility; excluding all other temporary employees, office clerical employees, guards, and supervisors as defined in the Act.

The Tally of Ballots served on the parties at the conclusion of the election showed the following results:

Approximate number of eligible voters.....209
Number of void ballots.....1

¹ Herein called the Board.

² All dates hereinafter refer to calendar year 2004.

Number of votes cast for participating labor organization.....	91
Number of votes against participating labor organization....	101
Number of valid votes counted.....	192
Number of challenged ballots.....	0
Valid votes counted plus challenged ballots.....	192

Challenges were insufficient in number to affect the election results. Thereafter, the Petitioner filed timely objections to the election, a copy of which was served on the Employer by the Region. Those objections having now been investigated, the results of that investigation are as follows:

The Objections³

Objections Nos. 1 and 3

1. In the period within the 48 hours preceding the election, the employer's general manager interrogated and polled a number of employees regarding how they were going to vote in the election. When employees responded to the interrogation by telling the employer that they didn't know how they would vote, the general manager continued questioning and badgering the employees until the employees said that they would vote no.

3. On the date of the election, at the time immediately preceding when the balloting periods were to begin, the employer stationed several people at each entrance to the plant to pass out electioneering handbills to each employee entering the plant inside of which the voting was to take place. Therefore, employees could not gain access to the polling place without having first receiving a handbill from the employer immediately before they voted.

The investigation of these objections raised material issues of fact and/or law that can best be resolved by a hearing.

Notice of Hearing

IT IS HEREBY ORDERED that a hearing on Objections Nos. 1 and 3 be held before a duly designated Hearing Officer of the National Labor Relations Board.

IT IS FURTHER ORDERED that the hearing officer designated for the purpose of conducting the hearing shall prepare and cause to be served upon the parties a report containing resolutions of the credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of said issues. Within fourteen (14) days from the issuance of said report, any party may file with the Board an original and one (1) copy of exceptions to such report, with

³ On July 19, 2004, the Petitioner withdrew Objections Nos. 2, 4, and 5.

supporting brief, if desired. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof, together with a copy of any brief filed, on the other party to the proceeding and with the undersigned. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing exceptions, may decide the matter forthwith upon the record or may make other disposition of the case.

PLEASE TAKE NOTICE that on July 30, at 9:00 a.m., in the Oakland Regional Office of the Board, 1301 Clay Street, Suite 300N, Oakland, California, and continuing on consecutive days thereafter until completed, a hearing pursuant to Section 102.69 of the Board's Rules and Regulations will be conducted before a hearing officer of the National Labor Relations Board upon the aforesaid objections, at which time and place the parties will have the right to appear in person, or otherwise, to give testimony and to examine and cross-examine witnesses with respect to said matters.

DATED AT Oakland, California this 20th day of July, 2004.

/s/ William A. Baudler
William A. Baudler
Acting Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Room 300N
Oakland, CA 94612-5211